

**ENTERED**

December 02, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	M.J. NO. 2:16-MJ-1437-1
	§	
JAVIER ERNESTO VASQUEZ-	§	
VILLATORO	§	

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the Defendant pending trial in this case: there is a serious risk that the Defendant will not appear.

The evidence against the Defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report are adopted as the court's own. In addition, there was uncontroverted testimony from Border Patrol Agent Howard that because this Defendant has already been ordered removed and physically removed several times, that if granted a bond in this case, the Defendant would be released to the immigration authorities and the Defendant would not be granted a bond pending an immigration hearing; rather the order of removal/deportation would simply be reinstated and the Defendant would immediately be removed, thereby making him unavailable for further court proceedings. In addition, the history of removals and the Defendant's reappearance in the country is evidence of his refusal to comply with an order that he obtain permission before returning to the United States. He is a poor bond risk.

The Defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

If this order is appealed to the District Judge, the motion for review and revocation of this order of detention must be accompanied by a copy of the transcript of the detention hearing.

ORDERED this 2nd day of December, 2016.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE